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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/620,108   | 07/15/2003  | Marcus Janke         | S0193.0158          | 8615             |
| 38881  | 7590        | 02/27/2009           | EXAMINER            |                  |
| DICKSTEIN SHAPIRO LLP<br>1177 AVENUE OF THE AMERICAS 6TH AVENUE<br>NEW YORK, NY 10036-2714 |             |                      | DAVIS, ZACHARY A    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2437                |                  |
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|  |             |                      | 02/27/2009          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

**Application No.**

10/620,108

**Examiner**

Zachary A. Davis

**Applicant(s)**

JANKE, MARCUS

**Art Unit**

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 11 December 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Zachary A Davis/  
Examiner, Art Unit 2437

/Nasser G Moazzami/  
Supervisory Patent Examiner, Art Unit 2436

Continuation of 1(c) Other: The amendments to the specification do not correctly reflect the changes made relative to the previous version of the paragraph as required by 37 CFR 1.121(b)(1)(ii). The amendment does not show, using strikethrough or double bracketing as appropriate, text that has been deleted.

Continuation of 4(e) Other: The amendments to the claims do not correctly reflect the changes made relative to the immediate prior version of the claims, as required by 37 CFR 1.121(c)(2). Claims 4, 14, and 17 still appear to include text that has been deleted without being shown by strikethrough or double bracketing as appropriate and/or text that has been added without being shown by underlining as required.

Continuation of 5 Other: Although many of the issues which made the previous response received 20 August 2008 non-compliant have been corrected, other issues of non-compliance remain, as detailed above.

Additionally, receipt is acknowledged of the translation of the portion of the Obana reference referred to in both the previous response and the present response (see, for example, page 13 of the present response).